

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GRACE L. SANDOVAL,

Plaintiff,

vs.

LUPE N. PINA,

Defendant.

CASE NO. 09cv0586 JM(WMc)

ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS; DENYING MOTION
FOR APPOINTMENT OF
COUNSEL; DISMISSING
COMPLAINT; GRANTING LEAVE
TO AMEND

Motion for Leave to Proceed In Forma Pauperis

Pursuant to 28 U.S.C. 1915, Plaintiff moves for leave to prosecute this action without the prepayment of fees. Plaintiff declares that she is employed but fails to identify her take-home salary. Without this basic information, the court is not able to assess Plaintiff's motion. Accordingly, the court denies the motion for leave to proceed in forma pauperis without prejudice, subject to a further showing.

Motion for Appointment of Counsel

The Constitution provides no right to appointment of counsel in a civil case. See Lassiter v. Dept. of Social Services, 452 U.S. 18, 25 (1981). Under 28 U.S.C. § 1915(e)(1), however, district courts are granted discretion to appoint counsel for indigent persons under "exceptional circumstances." Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional circumstances requires an evaluation of both the 'likelihood of success on the merits and the ability

1 of the plaintiff to articulate [his or her] claims pro se in light of the complexity of the legal issues
2 involved.' Neither of these issues is dispositive and both must be viewed together before reaching a
3 decision.'" Id. (quoting Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)).


4 Here, the court is not able to assess Plaintiff's claims because her complaint consists of only
5 a civil cover sheet. In other words, until Plaintiff submits a complaint that complies with the Federal
6 Rules of Civil Procedures, the court cannot evaluate Plaintiff's claims. Consequently, the court denies
7 the motion for appointment of counsel without prejudice.

8 **Sua Sponte Dismissal of the Complaint**

9 The document filed as a complaint consists of a Civil Cover Sheet. As the document submitted
10 as a complaint fails to comply with the minimum pleading requirements of Fed.R.Civ.P. 8, the court
11 dismisses the so-called complaint without prejudice and with leave to amend. Plaintiff may file an
12 amended complaint within 20 days of entry of this order.

13 **IT IS SO ORDERED.**

14 DATED: August 6, 2009

15 
16 Hon. Jeffrey T. Miller
United States District Judge